

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

CASE NO.: PT-2007-1379

RICHARD CLAY CLARK
66211 Santa Rosa Road
Desert Hot Springs, CA 92240

**DEFAULT DECISION
AND ORDER**

Psychiatric Technician License No. PT 30479

Respondent

Richard Clay Clark ("Respondent") was served Accusation No. PT-2007-1379; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on August 22, 2008 and October 1, 2008 at his address of record, and at Mule Creek State Prison, P.O. Box 409099, Ione, CA 95640, as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived his rights to a hearing to contest the merits of the Accusation and that the Bureau will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

FINDINGS OF FACT

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Bureau's Executive Officer.
2. On October 14, 1999, the Bureau issued Psychiatric Technician License No. PT 30479 to Respondent. Said license will expire on February 28, 2009, unless renewed.
3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its

1 executive officer; that the department is under the control of the Director of Consumer Affairs.

2 4. Pursuant to Business and Professions Code section 4520, the Bureau may
3 discipline any licensed psychiatric technician for any reason provided in Article 3 of the Psychiatric
4 Technician Law.

5 5. Pursuant to Business and Professions Code section 118(b), the expiration of a
6 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the
7 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
8 and Professions Code section 4545, the Bureau may renew an expired license at any time within four
9 (4) years after the expiration.

10 6. Respondent has subjected his license to discipline under Business and
11 Professions Code sections 4521(a) and 4521(f), in that Respondent was convicted by the court on his
12 plea of guilty of crimes substantially related to the qualifications, functions, and duties of a licensed
13 psychiatric technician, as described in Accusation No. PT-2007-1379, a copy of which is attached as
14 Exhibit "1" and incorporated by reference.

15 **DETERMINATION OF ISSUES**

16 Based on the foregoing Findings of Fact, Respondent has subjected his license to
17 discipline under Business and Professions Code sections 4521(a) and 4521(f).

18 **LOCATION OF RECORD**

19 The record on which this Default Decision is based is located at the Sacramento
20 office of the Bureau of Vocational Nursing and Psychiatric Technicians.

21 **ORDER**

22 **WHEREFORE**, the Bureau of Vocational Nursing and Psychiatric Technicians
23 makes the following order:

24 Psychiatric Technician License No. PT 30479 authorizing Respondent to act as a
25 psychiatric technician is hereby revoked.

26 Respondent shall have the right to petition for reinstatement of the aforesaid license
27 pursuant to the provision of section 4524(a)(1) of the Business and Professions Code.

28 Respondent shall not be deprived of making any further showing by way of

1 mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and
2 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to
3 the effective date of this Decision.

4 This Default Decision shall become effective on February 8, 2009.

5 Dated and signed December 30, 2008.

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8 PATRICIA HARRIS

9 Deputy Director, Board/Bureau Support
10 Department of Consumer Affairs
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27 Attachments: Exhibit "1", Accusation No. PT-2007-1379 and Declarations of Service
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Exhibit "1"
Accusation No. PT-2007-1379 and Declarations of Service

AUG 22 2008

**Board of Vocational Nursing
and Psychiatric Technicians**

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Attorneys for Complainant

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT 2007-1379

RICHARD CLAY CLARK
66211 Santa Rosa Road
Desert Hot Springs, California 92240

ACCUSATION

Psychiatric Technician License No. PT 30479

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.

License History

2. On or about October 14, 1999, the Bureau issued Psychiatric Technician License Number PT 30479 ("license") to Richard Clay Clark ("Respondent"). The license will expire on February 28, 2009.

JURISDICTION

3. Section 4520 of the Business and Professions Code ("Code") provides, in pertinent part, that the Bureau may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Bureau may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law] for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

....

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that a Bureau may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Criminal Conviction)

3 7. Respondent is subject to disciplinary action under Code section 4521,
4 subdivision (a)(f) unprofessional conduct, in that on or about December 21, 2007, in the
5 Superior Court of California, County of Riverside, in the case entitled, *People of the State of*
6 *California v. Richard Clay Clark* (Super. Ct. Riverside County, 2007, Case No. INF059196),
7 Respondent was convicted by the court on his plea of guilty of violating one count of Penal
8 Code section 288.5 (Commit 3 or More Lewd Acts with a Child Under 14), three counts of
9 Penal Code section 288.2, subdivision (a) (Personally Arouse a Minor with Harmful Intent),
10 two counts of Penal Code section 288, subdivision (a) (Lewd Act with a Child Under 14), and
11 four counts of violating Health and Safety Code section 11361, subdivision (b) (Furnish Minor
12 Under 14 with Marijuana), all felonies. The circumstances of the crimes are that between
13 July 4, 2005 and July 4, 2007, and between May 1, 2007, and July 4, 2007, Respondent did
14 engage in lewd and lascivious acts upon three minor children under 14 years of age; did send
15 harmful matters to the minor children with the intent to arouse, appeal and gratify the lust,
16 passions and sexual desire of the minor children; and, did unlawfully provide Marijuana to the
17 minor children. Respondent was sentenced to 20 years in state prison. Such crimes are
18 substantially related to the qualifications, functions, and duties of a licensed psychiatric
19 technician.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue
4 a decision:

- 5 1. Revoking or suspending Psychiatric Technician License Number PT
6 30479 issued to Richard Clay Clark;
- 7 2. Ordering Richard Clay Clark to pay the Bureau the reasonable costs of the
8 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 9 3. Taking such other and further action as deemed necessary and proper.
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11 DATED: August 22, 2008.

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14 TERESA BELLO-JONES, J.D., M.S.N., R.N.
15 Executive Officer
16 Bureau of Vocational Nursing and Psychiatric Technicians
17 Department of Consumer Affairs
18 State of California
19 Complainant
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